

From: Joann Lombardo To: Lynette

Date: 11/30/2004 Time: 1:41:40 PM

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CITY OF MILPITAS

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6. Freeway Segment Impacts, page vi: The assumption that the freeway widening will offset the impact from the project is not an acceptable reason to find these impacts to be considered significant and unavoidable as there is no analysis included in this report to back up that assumption.
7. Intersection Mitigation, page vii: Although the Milpitas Midtown Specific Plan EIR finds that the impacts to these 7 intersections were considered significant and unavoidable this report should identify mitigation measures for these intersections to determine if these impacts can be eliminated or reduced to a level of insignificance.
8. 2015 Impacts, page viii: Traffic analysis should be for future traffic impacts for year 2025 or 2030 forecasted conditions.
9. Level of Service Methods, page 9: This is not an acceptable method for cumulative conditions analysis as this will not indicate if demand in a study segment is being constrained by an upstream bottleneck and that this future demand would not be able to reach this segment. Also, this analysis would not indicate if a downstream bottleneck might be causing queuing into an upstream segment thereby degrading the segment's LOS.
10. Table 5, page 10: What is this table based on? HCM2000 or VTA CMP guidelines? For which year?
11. Figure 7, Existing Saturday Traffic Volumes: Why are some of the studied intersections missing from this figure?
12. Table 9: Why are the existing freeway data from year 2002 and existing intersection data from 2000? Existing year should be the same year.
13. Intersection Operations, page 30: There is no TRAFFIX calculation sheets included in Appendix B as stated in this report. Please provide.
14. Figure 17 through Figure 20 and Table 12: With the addition of the project trips to background conditions, will any of the freeway off-ramps queue back onto the freeway from the off-ramp intersections? If they do, then mitigation measures need to be identified and implemented to reduce these queues so that they do not queue back onto the freeway.
15. Freeway Segment Impacts, page 56: The freeway segment between Tasman Drive and State Route 237 (SR-237) northbound PM peak hour is currently at LOS F. This project should identify and implement mitigation measures to bring this freeway segment back to conditions expected under the no project alternative.

"Caltrans improves mobility across California"

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16. Traffic Diversion, page 64: What effect will this diversion have on the freeway off-ramps and off-ramp intersections? Will the diverted traffic cause queues from the off-ramp intersections to queue back onto the freeway mainline? If it does, then mitigation measures should be identified and implemented to reduce these queues so that they do not reach the freeway mainline.

17. Cumulative Conditions, page 66: This report needs to include an analysis and a discussion of the analysis results for intersections and freeways under cumulative conditions. It also needs to identify and implement mitigation measures for any significant impacts caused by cumulative traffic conditions.

Forecasting

1. The Proposed General Plan Trip Generation Rates (Table 19), for the Auto Center and the Shopping Center, are too low (AM, PM and Saturday) when compared with the requirements of the Institute of Transportation Engineers (ITE), 6th Edition. Please revise.
2. The DEIR does not mention whether there are any other projects in the vicinity of the proposed project which would cumulatively contribute to negative traffic impacts. Please provide this information.

Hydraulics

The proposed development lies within the base flood plain and could potentially impact Interstate 880 (I-880), located immediately west of and adjacent to the proposed development site. The Santa Clara Valley Water District (SCVWD) should review the proposed development with regards to that base flood plain. Our Department should be furnished documentation, at a later stage in the design process, that the base flood plain has been adequately provided for. The design analysis should also include the existing "building pad" that was placed downstream of, and after, the multiple cell Reinforced Concrete Box (RCB) culverts. The RCB culverts were placed as flood plain "equalizers" with the Tasman (Great Mall Parkway) Interchange project. Presumably the existing "building pad" was approved by the SCVWD. That presumption should also be verified in the documentation from the SCVWD.

The DEIR document states, in various sections, that mitigation measures will be made and that there will be no impact to the base flood plain. Documentation of this will need to be provided, as above. It is assumed that the flood flow patterns and quantities stated in the DEIR document are in accordance with the understandings of the SCVWD.

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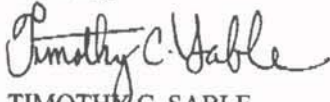
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Please allow the Department the opportunity to review the updated DEIR document, development plans and correspondence between the applicant and the SCVWD as they progress.

Additional comments, if any, from our Environmental Engineering, Project Management, Design and Environmental Planning Branches will be forwarded as they are received.

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Philip Crimmins (State Clearinghouse)

Commentator: Department of Transportation (CALTRANS), Timothy C. Sable, District Branch Chief; in a letter dated November 15, 2004

CALTRANS Comment #1:

While the DEIR includes Appendix C, Traffic Impact Analysis, the spreadsheets showing outputs are missing. Also, CALTRANS needs to know which program, TRAFFIX or SYNCHRO, was used for this analysis.

Response to CALTRANS #1:

TRAFFIX was used for the Level of Service Analysis. The traffic impact analysis appendix is public record and on-file with the City of Milpitas. For CALTRANS's convenience, a copy of the traffic study in Appendix C will be forwarded to Mr. Sable directly.

CALTRANS Comment #2:

Summary of Impacts and Mitigation Measures, page 5, TR-5: Mitigation measure is cutoff at the bottom of the page.

Response to CALTRANS #2:

The attached errata sheets in part contain the full text of the mitigation measure TR-5 Mitigation measure TR-5 is also shown on pages 85-86 of the DEIR.

CALTRANS Comment #3:

Intersection Impacts, page 80...This DEIR needs to identify mitigation measures that would reduce these impacts to "insignificant" and also pay fair share fees for these measures.

Response to CALTRANS #3:

The Milpitas Midtown Specific Plan EIR examined mitigation measures for the intersections listed on page 80 of the DEIR and determined that mitigation was not feasible. The Elmwood Project is within the Midtown Specific Plan area. As partial mitigation for the Project's significant unavoidable traffic impacts, the Project will be paying approximately \$1.8 million in fair share fees for traffic mitigation along Calaveras Boulevard, Great Mall Parkway, and Montague Expressway.

CALTRANS Comment #4:

Freeway Impacts This DEIR needs to identify mitigation measures that would reduce these impacts to "insignificant" and also pay fair share fees for these measures.

Response to CALTRANS #4:

As discussed on page 81 of the DEIR, the freeway impacts may not materialize because the traffic study was performed before the widening of I-880. This widening directly affects the segments significantly impacted by the proposed Project. Post-I-880 Congestion Management Program (CMP) monitoring data was not available at the time of the EIR. In the absence of concrete data that the Project freeway impacts would not occur, it was assumed in the EIR that the impacts would occur. Thus, the mitigation would be to widen the freeway. Since it is not economically feasible for a single Project to undertake the widening of a freeway, the impacts were considered significant and unavoidable.

CALTRANS Comment #5:

Appendix C, Trip Generation & Distribution...These peak hour trips are below what is shown in Table 4 on page 78. Please explain why and revise as appropriate.

Response to CALTRANS #5:

The Project's Traffic Impact Analysis (Appendix C) analyzed two scenarios for the development of the commercial properties; an auto center development (Scenario 1) and a retail shopping center (Scenario 2). The auto center scenario was included within the project description of the DEIR and the retail shopping center scenario was used in the analysis of Alternatives. The trip estimates for the auto center scenario are the same in Appendix C and the main body of the DEIR.

CALTRANS Comment #6:

Freeway Segment Impacts...The assumption that the freeway widening will offset the impact from the Project...there is no analysis included in this report to back up that assumption.

Response to CALTRANS #6:

See CALTRANS Response #4, above.

CALTRANS Comment #7:

Intersection Mitigation...this report should identify mitigation measures for these intersections...

Response to CALTRANS #7:

See CALTRANS Response #3, above.

CALTRANS Comment #8:

2015 Impacts...Traffic analysis should be...for the year 2025 or 2030 forecasted conditions.

Response to CALTRANS #8:

Cumulative traffic impacts are based on adding Project trips to the City's 2015 traffic model, as further discussed on pp. 83-85 of the DEIR, and evaluated in accordance with the City of Milpitas and the Valley Transportation Authority (VTA) Congestion Management Program's (CMP) guidelines.

CALTRANS Comment #9:

Level of Service Methods, page 9 [Appendix C]...This is not an acceptable method for cumulative conditions analysis...

Response to CALTRANS #9:

The volume-to-capacity ratio method used to evaluate cumulative freeway segment operations was the standard adopted by the VTA CMP and the City of Milpitas.

CALTRANS Comment #10:

Table 5, page 10 [Appendix C]...What is this table based on?...For which year?

Response to CALTRANS #10:

Table 5 in Appendix C "Freeway Segment Level of Service Definitions Based on Density" is from the most current VTA CMP guidelines.

CALTRANS Comment #11:

Figure 7 [Appendix C]...Why are some of the studied intersections missing from this figure...

Response to CALTRANS #11:

This comment refers to Figure 7 on page 22 of Appendix C "Existing Saturday Traffic Volumes." Saturday Midday traffic conditions were only studied at locations where there would be a high probability of impacts. The intersection selection was jointly agreed to by the Project traffic consultant and City of Milpitas staff.

CALTRANS Comment #12:

Table 9 [Appendix C]...Existing year should be the same year for both the freeway and intersection data.

Response to CALTRANS #12:

This comment refers to Table 9 on page 26 of Appendix C “Freeway Segment Levels of Service – Existing Conditions.” The Project traffic analysis evaluated the impacts of the proposed Project using the most recent data available for each freeway segment and intersection studied..

CALTRANS Comment #13:

Intersection Operations...There is no TRAFFIX calculation sheets included...

Response to CALTRANS #13:

Comment noted. The TRAFFIX Calculation sheets are contained in the Traffic Impact Analysis (TIA), Appendix B, which is not in the DEIR. The TIA appendix is public record and on-file with the City of Milpitas. For CALTRANS’s convenience, a copy of the traffic study Appendix B will be forwarded to Mr. Sable directly.

CALTRANS Comment #14:

Figure 17 through Figure 20 and Table 12...will any of the freeway off-ramps queue back onto the freeway from the off-ramp intersections.

Response to CALTRANS #14:

The most heavily used freeway off-ramps by the proposed Project are at Tasman Drive and I-880. For off-ramp traffic southbound at the Tasman Drive/I-880 intersection, the PM peak combined through/left/right 95th percentile southbound design queue under Scenario 1 conditions according to the TRAFFIX calculation sheets is 33 vehicles. This translates to 825 feet of queuing (assuming 25 feet per vehicle). There is currently over 1,500 feet of available storage for these movements. For off-ramp traffic northbound at the Great Mall Parkway/I-880 intersection, the PM peak combined through/left/right 95th percentile northbound design queue under Scenario 1 conditions according to the TRAFFIX calculation sheets is 49 vehicles. This translates to 1,225 feet of queuing (assuming 25 feet per vehicle). There is currently over 1,300 feet of available storage for these movements. Please note that these calculations are extremely conservative because a large percentage of the total

maximum queues are right turns, which could be made on a red light, after stopping. In addition, the traffic counts used for these calculations reflect employment densities in north San Jose during the high tech “bubble” period, which are higher than current counts, again resulting in a conservative analysis. In reality, the queues will be much shorter.

CALTRANS Comment #15:

Freeway Segment Impacts...The freeway Segment between Tasman Drive and State Route 237...northbound PM peak hour is currently at LOS F...this Project should identify and implement mitigation measures to bring this freeway segment back to conditions expected under the no Project alternative.

Response to CALTRANS #15:

See CALTRANS Response #4, above.

CALTRANS Comment #16:

Traffic Diversion...What effect will this diversion have on the freeway off-ramps and off-ramp intersections...

Response to CALTRANS #16:

The possible traffic diversion to North Road would likely have little impact on freeway off-ramp operations. If the diversion does materialize, the only Caltrans intersection that would be affected is I-880/Great Mall Parkway. However, the net number of trips added to this intersection by the diversion would be zero. At I-880/Great Mall Parkway, some northbound right-turn vehicles may choose to go straight, and access Abel Street via Elmwood Drive and North Road as opposed to Great Mall Parkway. However, because (1) travel speeds would be slower on North Road and Elmwood Road than on Great Mall Parkway and (2) the eastbound left-turn at the intersection of Elmwood Drive and North Road is Projected to operate at a poor level of service, it is likely to be faster for vehicles to use their existing route (right turn on Great Mall Parkway, left-turn onto Abel Street). For this reason, the diversion, as it relates to freeway off-ramp spill-back, would likely be negligible.

CALTRANS Comment #17:

Cumulative Conditions...This report needs to include an analysis and a discussion of the analysis results for intersections and freeways under cumulative conditions...

Response to CALTRANS #17:

Cumulative conditions were evaluated in accordance with VTA CMP and City of Milpitas guidelines. The cumulative impacts of the Midtown Specific Plan were analyzed in the Midtown EIR. Relative to the existing Milpitas Midtown Specific Plan, the Scenario 1 Project would add 99 AM peak hour trips and remove 612 PM peak hour trips. Thus, the PM impact of the Project would be largely beneficial to the freeway system. During the AM peak hour, the number of trips added to the each freeway segment by the Project would be less than 1% of the capacity. The “1% of capacity rule” is an established VTA CMP guideline. Thus, the proposed change to the Midtown Specific Plan would not create any new freeway impacts under far term conditions.

CALTRANS Comment #18:

Forecasting...The Proposed General Plan Trip Generation Rates (Table 19), for the Auto Center and Shopping Center, are too low...

Response to CALTRANS #18:

VTA CMP guidelines state that SANDAG is an acceptable source for trip generation rates. SANDAG rates were developed primarily from trip generation studies in California, and therefore, are regarded by many traffic engineers as being more accurate than ITE rates within California because ITE rates were developed from studies nationwide.

CALTRANS Comment #19:

The DEIR does not mention if there are any other Projects in the vicinity of the proposed Project...

Response to CALTRANS #19:

The cumulative impacts of the reasonable buildout of the Milpitas General Plan are reflected in the 2015 analysis. This scenario includes all foreseeable Projects.

CALTRANS Comment #20:

Hydraulics...The proposed development...could potentially impact I-880...The Santa Clara Valley Water District (SCVWD) should review the proposed development with regards to that base flood plain...Our CALTRANS should [also] be furnished documentation...The design analysis should also include the existing “building pad” that was placed downstream...

Response to CALTRANS #20:

Mitigation Measure HYD-1 on page 157 of the DEIR requires the Project provide a final floodplain study demonstrating all existing sheet flows be accommodated and that adjacent floodplains will not be affected more than that allowed by FEMA. This study will need to be approved by the City of Milpitas. The study will be forwarded to the Santa Clara Valley Water District for review and comment. The City will provide the approved study to CALTRANS as requested. There is an existing soil stockpile on the Project site near Great Mall Parkway but there is no existing building pad. The Project site will be completely re-graded based on the recommendations of the final floodplain study.

From: Joann Lombardo To: Lynette

Date: 11/30/2004 Time: 1:45:42 PM

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GRC REDEVELOPMENT
CITY OF MILPITAS

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PAGE 02



Terry Tamminen
Agency Secretary
CalEPA



Department of Toxic Substances Control

700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

November 12, 2004

Mr. Troy Fujimoto
City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, California 95035-5479

Dear Mr. Fujimoto:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Elmwood Residential and Commercial Development Project (SCH # 2003112102). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any remediation of hazardous substance releases that may be necessary.

On pages 174 and 175, in the Existing Conditions section, it is stated that the project site was used primarily for agricultural purposes between at least 1939 to about 1979 and it is likely pesticides were applied to crops and orchards. On page 175, the results of soil sampling of three stockpiles of imported soil located in the northwest portion of the project site are discussed. However, the Draft EIR does not discuss whether any soil sampling was performed to determine if pesticides from past agricultural operations are present. Soil samples should be collected from the project site and analyzed for pesticides. The soil sampling results should be summarized in the EIR and if pesticides are present at concentrations that may pose a significant health risk to future site users and occupants, the planned remedial measures, along with any associated impacts, should be discussed in the EIR.

Potential cleanup impacts or issues that may need to be addressed in the EIR include: (1) potential air and health impacts from excavation activities; (2) applicable local standards which may be exceeded by the excavation activities, including dust and noise levels; (3) transportation impacts from the cleanup activities; and (4) risk of upset should there be an accident during implementation of cleanup activities.

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GRC REDEVELOPMENT

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Mr. Troy Fujimoto
November 12, 2004
Page 2

Please contact Claude Jemison of my staff at (510) 540-3803 if you have any questions.
Thank you in advance for your cooperation in this matter.

Sincerely,

Mark E. Piros

Mark E. Piros, P.E.
Unit Chief
Northern California Coastal
Cleanup Operations Branch

Enclosure

cc: without enclosure

Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Commentator: Department of Toxic Substances Control (DTSC), Mark E. Piros, P.E., Unit Chief; in a letter dated November 12, 2004.

DTSC Comment #1:

...the DEIR does not discuss whether any soil sampling was performed to determine if pesticides from past agricultural operations are present...

Response to DTSC Comment #1:

As discussed in Section 5.9.1 of the DEIR, soil sampling was conducted on three stockpiles of imported soil present in the northwest portion of the site proposed for single-family residential development. Soil samples were collected and analyzed for organochlorine pesticides as well as other potentially toxic substances. Chromium III and arsenic were found in the soil samples at common background concentrations that are below levels of concern, based on the San Francisco Bay Regional Water Quality Control Board (RWQCB) environmental screening levels (ESLs). No other identified hazardous chemicals were found. Based on the analytical results of soil samples collected, chemical levels in the on-site soils are within acceptable ESL ranges, and would not inhibit the use of the property for residential development. No further discussion or mitigation in the EIR related to pesticides is warranted.

DTSC Comment #1:

Potential cleanup impacts or issues that may need to be addressed in the EIR include: (1) potential air and health impacts from excavation activities; (2) applicable local standards which may be exceeded by the excavation activities, including dust and noise levels; (3) transportation impacts from the cleanup activities; (4) risk of upset should there be an accident during implementation of cleanup activities.

Response to DTSC Comment #1:

As discussed in Section 5.9.4 (page 178) of the DEIR, Mitigation Measures HAZ-1 and HAZ-2 are added to the Project to ensure that potential cleanup impacts are fully mitigated. No further discussion or mitigation in the EIR related to clean-up impacts is warranted.

12/02/2004 04:31 4085863293

CITY OF MILPITAS

PAGE 02

Troy Fujimoto

From: Luisana Landa [landa408_01@yahoo.com]
Sent: Saturday, November 13, 2004 11:57 PM
To: Troy Fujimoto
Subject: EIR

First let me begin by saying how disgusted I am with the city planning commission and what they are doing to Milpitas. I live on Sylvia Ave. and I have lived in Milpitas for 21 years and I am only 21 years old. It feels like the only thing you guys care for is stuffing as many people as possible into an area just to make money. My parents, sister and I walk around Elmwod facility everyday with our dogs. We all love walking around there. There is no where else in Milpitas where you can walk your dogs and see rabbits, squirrels, raccoons, snakes, lizards, mice, birds, ducks, and burrow owls unless you go to Ed Levin. This city no longer cares for open space or the environment. I don't see the point of even writing this letter, but I do it for the burrow owls whose population is declining here in California and who have made the open space their home and I also do it for the rest of the animals who depend on this land to live. Pretty soon instead of seeing green grass and rabbits, I'll be seeing cars, cars, houses, and more houses. Cars which will add to the traffic and pollution we already have plenty of. I wouldn't be surprised if we turned into a smaller version of L.A. and all thanks to the planning commission or whoever is in charge. I'm so disgusted.

Do you Yahoo!?
Check out the new Yahoo! Front Page.
www.yahoo.com

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CITY OF MILPITAS

PAGE 03

Troy Fujimoto

From: Luisana Landa [landa408_01@yahoo.com]
Sent: Sunday, November 14, 2004 12:00 AM
To: Troy Fujimoto
Subject: EIR

By the way my name is Luisana I'm the one who is
disgusted by all of this.
273 Sylvia Ave.

Do you Yahoo!?
Check out the new Yahoo! Front Page.
www.yahoo.com

Luisana Landa Comments:

...burrowing owls [sic] population is declining and have made the open space their home...cars add to traffic and pollution..

Response to Luisana Landa Comments:

Most of the comment relates to the Project rather than CEQA issues and thus, no response is required. However, to the extent that there are CEQA issues related to wildlife generally and burrowing owls in particular, these issues were thoroughly analyzed in the Midtown Specific Plan EIR and in Section 5.5 in the Project DEIR. Burrowing owls are discussed at pp. 121, 129-30, 135 and 140-42 of the DEIR. To the extent there are CEQA issues related to traffic and air quality, these issues were thoroughly analyzed in the Midtown Specific Plan EIR, and in Sections 5.2, Traffic & Circulation, and 5.3, Air Quality of the Project DEIR.

Commentator: Various Members of the Community during an October 20, 2004 Public Meeting to Review the DEIR

Community Comment #1:

Adequacy in meeting the Midtown Plan park and open space policy of encouraging a 10-acre site the DEIR does not discuss whether any soil sampling was performed to determine if pesticides from past agricultural operations are present.

Response to Community Comment #1:

The Midtown Specific Plan policy encourages a 2 acre park site near the O'Toole elm trees and a 10 acre park on the west side. The Project is providing somewhat less than a 2 acre park and 10 acre park; however, the parks will be improved with extensive amenities rather than being an undeveloped park. Also, the Project is providing considerably more public and private open space than required under the Specific Plan standards. On this basis, staff believes the Project substantially complies with the parkland provisions. The Project is improving a 1.5-acre park near the O'Toole Elms and improving another 1.3 acres of park space north of the site.

The Project also meets other Policies in the Midtown Plan including:

Policy 3.24 – Requiring new residential development to provide public parks at a ratio of 3.5 acres per 1,000 persons

Policy 3.25 – Credit improved linear parks on property owned by public and quasi-public agencies as public parks

Policy 3.29 – Designating the Hetch-Hetchy right of way as park and recreation

Community Comment #2:

School impacts, whether the existing school can handle the influx of new students?

Response to Community Comment #2:

Verification was provided by the school district that they will be able to handle the influx of new students that will be a result of this new development. Recently, the school district redrew school lines to be able to accommodate new developments in the Midtown Area, including this Project.

Community Comment #3:

Stormwater and drainage concerns at Penitencia Creek, can the existing creek handle the new flows?

Response to Community Comment #3:

The applicant in conjunction with their consultants, the City and the Santa Clara Valley Water District, has been in communication to ensure that the new development will not worsen drainage at and near the site.

Community Comment #4:

Overall general vehicular access and circulation around the site?

Response to Community Comment #4:

A traffic analysis was completed that included circulation impacts. The result of the analysis was that the Project and its proposed roadways and access points would be able to accommodate the new traffic generated from the Project. The report also acknowledged that a north-south connection via Abbot Street does deserve further analysis, though not necessary for Project completion.

Community Comment #5:

Noise impacts: is the existing boundary wall tall enough to mitigate noise impacts onto the northern residential uses?

Response to Community Comment #5:

An acoustical study was completed for the Project that examined all of the potential noise impacts, onto the existing community as well as the future residents. A result of the study was that a solid, six-foot tall wall at the northern boundary would be adequate to mitigate noise impacts onto the existing neighborhood. However, to acknowledge the communities concerns, the applicant is considering use of a taller wall at this location.

Community Comment #6:

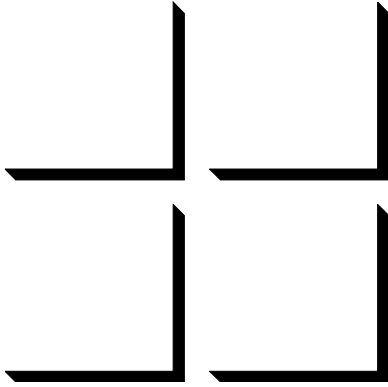
Existing residents to the north of the project site asked about the status of an existing drainage swale located immediately south of the existing residents but located on the project site.

Based on existing topographic information, it appears that some of the existing residential lots north of the Project Site are “rear draining” lots, which means that storm water runoff flows to the rear of the lot onto the proposed Project Site, not to the front of the lot into the existing City street. The Project’s grading plan proposes a new swale on the proposed project that collects the runoff from the northern residential lots and drains the runoff to an existing outfall into Lower Penitencia Creek.



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ERRATA SHEETS

The following section contains various minor technical corrections and edits to the DEIR. Changes are noted by a vertical bar in the margin.